

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**STERLING SUFFOLK
RACECOURSE, LLC,**

v.

WYNN RESORTS, LTD, et al.

Defendants.

Civil No: 18-CV-11963-PBS

DEFENDANT FBT EVERETT REALTY LLC'S MOTION TO DISMISS

Defendant FBT Everett Realty LLC respectfully moves to dismiss with prejudice, and without leave to amend, Plaintiff Sterling Suffolk Racecourse, LLC's complaint. For the reasons set forth in FBT's accompanying memorandum of law, Sterling's complaint is frivolous, barred by the statute of limitations, fails to state a claim, and lacks federal subject matter jurisdiction.

DATED: January 18, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Aaron M. Katz, hereby certify that, on January 18, 2019, true and accurate copies of the foregoing were served on counsel for all parties through ECF.

/s/ Aaron M. Katz
Aaron M. Katz